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MISCELLANEOUS DOCUMENTS (CONTINUED)

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY
IAB CASE # IV 2408937

SUBJECT:	Andrew De Bondt, Deputy #[redacted]
LOCATION:	11003 Lakewood Boulevard, Downey CA
DATE OF INCIDENT:	July 22, 2016
DATE OF DEPARTMENT KNOWLEDGE:	July 22, 2016
COMPLETION OF CRIMINAL MONITOR:	November 30, 2016
INVESTIGATOR ASSIGNED CASE:	February 6, 2017

SUMMARY

At approximately 0155 hours on the morning of July 22, 2016, Subject De Bondt left [redacted] located in the City of Downey, entered his personal vehicle, backed his vehicle from its parked position and collided into an unoccupied, parked vehicle. Subject De Bondt left the accident scene and made no attempt to locate the unoccupied vehicle's owner. Witnessing the collision, the owner of the parked vehicle ([redacted]) immediately followed Subject De Bondt's car from the scene of the collision. A short distance from the collision site, Mr. [redacted] alerted Subject De Bondt and his passenger about the accident. Moments later, Subject De Bondt sped away and made many evasive driving maneuvers trying to avoid further contact by Mr. [redacted]. Mr. [redacted] and his passenger attempted to follow (in [redacted] car) Subject De Bondt's car while they telephoned the police. The Downey Police Department located Subject De Bondt's vehicle travelling at a high rate of speed and without any lighting equipment activated. Subject De Bondt failed Field Sobriety Tests (FSTs), registered a .17% blood alcohol content on a Preliminary Alcohol Screening (PAS) device, and was subsequently arrested for Driving While Under the Influence of Alcohol (DUI), 23152(a)(b) CVC. The Downey Police Department contacted the Pico Rivera Sheriff's Station and alerted the on-duty watch commander as to Subject De Bondt's arrest. Subject De Bondt was found guilty of DUI and sentenced on November 30, 2016. Following his sentencing, an administrative investigation was initiated.

POLICY SECTIONS

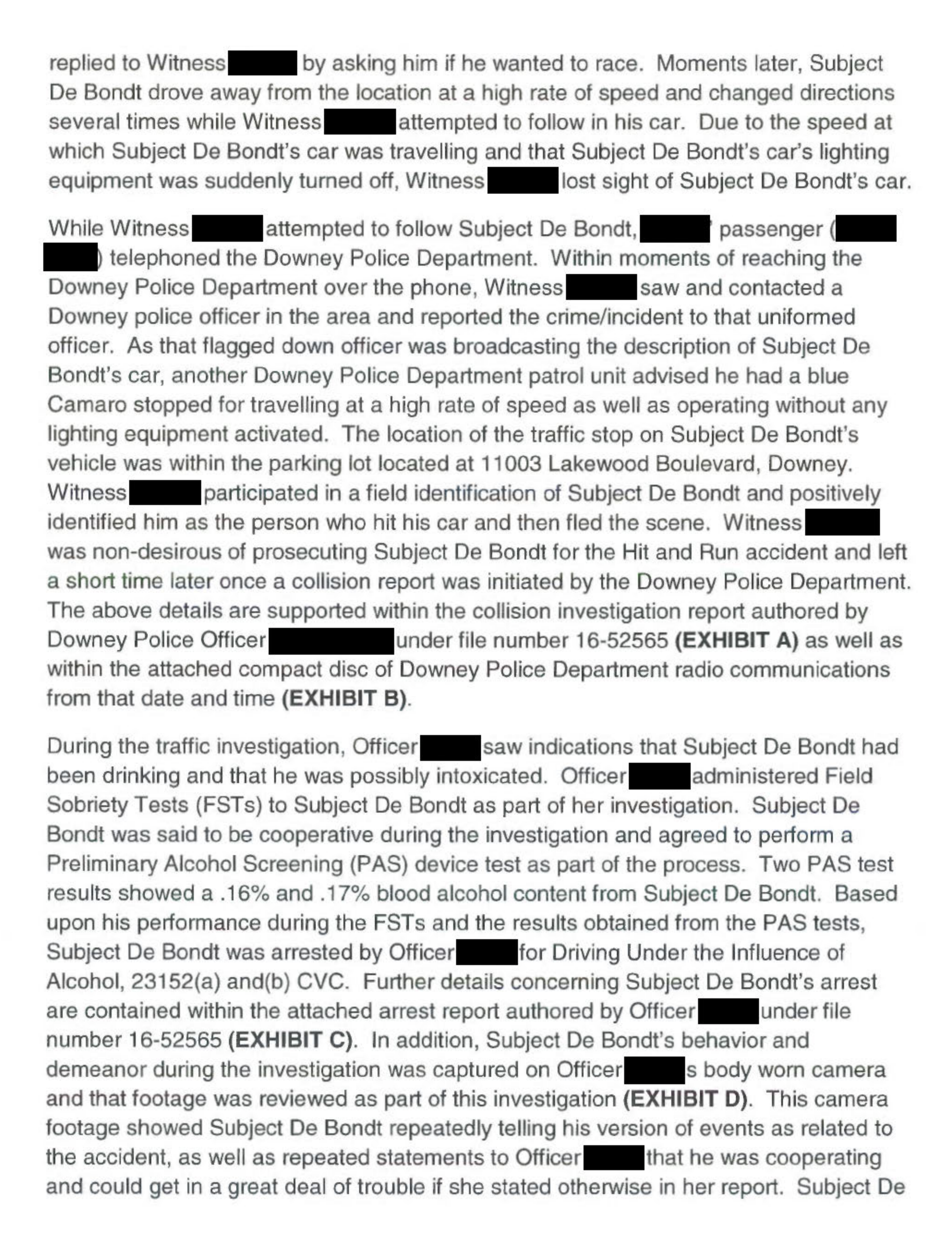
Obedience to Laws, Regulations and Orders	MPP Section 3-01/030.10
General Behavior	MPP Section 3-01/030.05
Safety of Firearms	MPP Section 3-01/025.45

INVESTIGATION DETAILS

In the early morning hours of July 22, 2016, Subject Andrew De Bondt was off-duty with a friend ([redacted]) drinking alcohol inside [redacted] located at [redacted]. At approximately 0150 hours, Subject De Bondt was involved in an argument with another patron as he left the bar. Accompanied by a friend, [redacted], Subject De Bondt walked to his personal car (a midnight blue, 2012 Chevrolet Camaro), entered the driver's seat ([redacted] sat in the front, passenger's seat), and proceeded to back his car from its parking space located in front of the Mosaik Hookah Lounge (directly across the street from the bar). As Subject De Bondt reversed his vehicle, his rear bumper collided into the front, driver's side fender of an unoccupied, white, 2016 Chevrolet Camaro parallel parked in front of [redacted]. The collision caused minor damage to the white Camaro. The owner of the white Camaro, Witness [redacted], was leaning against his car when Subject De Bondt hit his fender. Following the collision, Subject De Bondt immediately drove northbound on Downey Avenue toward 3rd Street.

> *As part of this investigation, outside surveillance cameras were identified at [redacted] The bar's [redacted], was contacted on February 16, 2017, at 1645 hours. She checked the bar's camera system (2 of which capture the bar's front patio/walkway), however, no footage could be obtained. Ms. [redacted] explained the video system only retained footage for approximately 30 days due to their hard drives' capacities. No other outside cameras were located.*

Witness [redacted], upset about the collision and Subject De Bondt leaving the scene without contacting him, immediately entered his car (along with his friend [redacted] who sat in the passenger's seat) and proceeded to follow Subject De Bondt's car in an effort to obtain his license plate. Being that Subject De Bondt's car had paper plates affixed on it, Witness [redacted] pulled along the passenger's side door to Subject De Bondt's car a few blocks from the bar/collision site. Witness [redacted] yelled at Mr. [redacted] (Subject De Bondt's passenger) about what had happened. Subject De Bondt



replied to Witness [redacted] by asking him if he wanted to race. Moments later, Subject De Bondt drove away from the location at a high rate of speed and changed directions several times while Witness [redacted] attempted to follow in his car. Due to the speed at which Subject De Bondt's car was travelling and that Subject De Bondt's car's lighting equipment was suddenly turned off, Witness [redacted] lost sight of Subject De Bondt's car.

While Witness [redacted] attempted to follow Subject De Bondt, [redacted]' passenger ([redacted]) telephoned the Downey Police Department. Within moments of reaching the Downey Police Department over the phone, Witness [redacted] saw and contacted a Downey police officer in the area and reported the crime/incident to that uniformed officer. As that flagged down officer was broadcasting the description of Subject De Bondt's car, another Downey Police Department patrol unit advised he had a blue Camaro stopped for travelling at a high rate of speed as well as operating without any lighting equipment activated. The location of the traffic stop on Subject De Bondt's vehicle was within the parking lot located at 11003 Lakewood Boulevard, Downey. Witness [redacted] participated in a field identification of Subject De Bondt and positively identified him as the person who hit his car and then fled the scene. Witness [redacted] was non-desirous of prosecuting Subject De Bondt for the Hit and Run accident and left a short time later once a collision report was initiated by the Downey Police Department. The above details are supported within the collision investigation report authored by Downey Police Officer [redacted] under file number 16-52565 **(EXHIBIT A)** as well as within the attached compact disc of Downey Police Department radio communications from that date and time **(EXHIBIT B)**.

During the traffic investigation, Officer [redacted] saw indications that Subject De Bondt had been drinking and that he was possibly intoxicated. Officer [redacted] administered Field Sobriety Tests (FSTs) to Subject De Bondt as part of her investigation. Subject De Bondt was said to be cooperative during the investigation and agreed to perform a Preliminary Alcohol Screening (PAS) device test as part of the process. Two PAS test results showed a .16% and .17% blood alcohol content from Subject De Bondt. Based upon his performance during the FSTs and the results obtained from the PAS tests, Subject De Bondt was arrested by Officer [redacted] for Driving Under the Influence of Alcohol, 23152(a) and(b) CVC. Further details concerning Subject De Bondt's arrest are contained within the attached arrest report authored by Officer [redacted] under file number 16-52565 **(EXHIBIT C)**. In addition, Subject De Bondt's behavior and demeanor during the investigation was captured on Officer [redacted]s body worn camera and that footage was reviewed as part of this investigation **(EXHIBIT D)**. This camera footage showed Subject De Bondt repeatedly telling his version of events as related to the accident, as well as repeated statements to Officer [redacted] that he was cooperating and could get in a great deal of trouble if she stated otherwise in her report. Subject De

Bondt chose to provide a blood sample as part of this investigation, the laboratory results of that test showed his Blood Alcohol Content (BAC) to be .17% **(EXHIBIT E)**.

Subject De Bondt was armed with his off duty revolver at the time of his arrest, which was recovered from the interior compartment of his vehicle by Officer [redacted]. The firearm was not secured.



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

May 25, 2017

Deputy Andrew De Bondt, #[redacted]

Dear Deputy De Bondt:

You are hereby notified that it is the intention of the Sheriff's Department to discharge you from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective the close of business June 16, 2017.

An investigation under IAB File Number IV 2408937, conducted by Pico Rivera Station, coupled with your own statements, have established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/030.05, General Behavior, and/or 3-01/030.75, Bribes, Rewards, Loans, Gifts, Favors; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, (pertaining to 23152(a) CVC; Driving a Vehicle While Under the Influence of Alcohol; and/or 23152(b) CVC; Driving with a Blood Alcohol Concentration of .08% or Greater, and/or 20002(a) CVC; Hit and Run Traffic Collision, Misdemeanor), on or about July 22, 2016, while off-duty, you violated state law when you drove your personal vehicle while under the influence of alcohol causing a traffic collision. Furthermore, you left the scene of the traffic collision resulting in your arrest. You brought discredit and/or embarrassment to yourself and the Los Angeles County Sheriff's Department as evidenced by, but not limited to:

   a. backing your personal vehicle into an unoccupied

parked vehicle and/or failing to attempt to contact the registered owner, and/or local law enforcement after being made aware of the collision; and/or,

b. driving your personal vehicle under the influence of alcohol; and/or,

c. observed by the Downey Police Department to have been operating your vehicle at a high rate of speed, without use of your vehicle's headlights as you fled the scene of the traffic collision; and/or,

d. displaying the objective signs of intoxication, and/or emitting the odor of an alcoholic beverage from your breath when you were contacted by the Downey Police Department personnel; and/or,

e. performing poorly on field sobriety tests; and/or,

f. providing breath samples that registered and/or recorded .16 percent on a Preliminary Alcohol Screening device (PAS); and/or,

g. providing a blood sample which revealed a .17 percent blood alcohol concentration (BAC); and/or,

h. on numerous occasions requesting a favor by displaying your Sheriff's Department identification, and/or stating just take a traffic report, and/or words to that effect, and/or stating I'm a cop just like you guys, and/or words to that effect; and/or,

i. being arrested for violation of California Vehicle Code section 23152(a); Driving a Vehicle While Under the Influence of Alcohol, and/or 23152(b) CVC; Driving with a Blood Alcohol Concentration of .08% or Greater, and/or 20002(a) CVC; Hit and Run Traffic Collision, Misdemeanor; and/or,

j. pleading Nolo Contendre to one (1) misdeanor count of having violated Californina Vehicle Code section 23152(b); Driving with a Blood Alcohol Concentration of .08% or Greater; and/or,

k. admitted to having violated California Vehicle Code section 23578; Excessive Blood Alcohol Level of .15% or Greater; and/or,

1. being placed on summary probation for three (3) years, and/or ordered to pay fines, and/or attend alcohol related classes, and/or, serve time in the county jail for one (1) day.

2. That in violation of the Manual of Policy and Procedures Section 3-01/040.70, Dishonesty/False Statements, on or about July 22, 2016, while off-duty and intoxicated you made false and/or misleading statements to Downey Police officers as evidenced by but not limited to:

   a. Providing false statements regarding the traffic collision you were involved in; and/or,

   b. Stating that you were not intoxicated and/or did not drink any alcohol, and/or words to that effect; and/or,

   c. Stating to have worked the evening before the incident.

3. That in violation of the Manual of Policy and Procedures Section 3-01/025.45; Safety of Firearms, on or about July 22, 2016, while off-duty and intoxicated with a blood alcohol content of .17 percent, you had access and immediate possession of your off-duty firearm. During this incident you were driving while under the influence of alcohol and were unable to exercise reasonable care and/or control of your firearm.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet, which are incorporated herein by reference.

You may respond to the intended action orally or in writing. In the event that you choose to respond orally to these charges, you have already been scheduled to meet with Chief Buddy Goldman, on June 20, 2017, at 1300 hours, in his office, which is located at 211 West Temple Street, Los Angeles California 90012. If you are unable to appear at the scheduled time and wish to schedule some other time prior to June 20, 2017, for your oral response, please call Chief Goldman's secretary at [redacted] for an appointment.

If you choose to respond in writing, please call Chief Goldman's secretary to cancel your scheduled appointment, and send your response to the facts contained in this letter to Chief Goldman's office no later than June 16, 2017.

Unless you are currently on some other type of authorized leave, pursuant to Rule 16.01 of the Los Angeles County Civil Service Commission Rules, effective immediately, you are on paid administrative leave which will continue during the fifteen (15) business days you have to respond to the intended discharge or until the conclusion of your pre-disciplinary hearing. If you are presently on an authorized leave, that leave will continue during the fifteen (15) business days you have to respond to the intended discharge, or until the conclusion of your pre-disciplinary hearing.

Failure to respond to this Letter of Intent within fifteen (15) business days will be considered a waiver of your right to respond and will result in the imposition of the discipline indicated herein.

If you did not receive the investigative material on which your discipline is based at the time you were served with this correspondence, you may contact the Internal Affairs Bureau at [redacted] to obtain a copy of the case file.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

Josie S. Woolum, Captain
Internal Affairs Bureau

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

JSW:BG:jr

cc: Advocacy Unit
Employee Relations Unit
Buddy Goldman, Chief, South Patrol Division
Internal Affairs Bureau
(File # IV 2408937)



CIVIL SERVICE COMMISSION

COUNTY OF LOS ANGELES

November 13, 2019

FINAL COMMISSION ACTION

Subject of Hearing: *Petition of* ***ANDREW DEBONDT*** *for a hearing on his* ***discharge****, effective July 13, 2017, from the position of Deputy Sheriff, Sheriff's Department,* **Case No. 17-178.**

The Civil Service Commission, at its meeting held on November 6, 2019 approved findings in the above-entitled case. The petitioner's objections were overruled. Commissioner Nightingale was absent.

Since a copy of these findings has already been provided to all the parties, we have enclosed a copy of the signed formal order of the Commission for your records.

Anyone desiring to seek review of this decision by the Superior Court may do so under Section 1085 or 1094.6 of the Code of Civil Procedure as appropriate. An action under Section 1094.6 can only be commenced within 90 days of the decision.

Mahdi A. Mohamed
Executive Director

Enclosure

c: Andrew DeBondt
Michael Goldfeder
William Balderrama
Robert Cuen

ROOM 522 KENNETH HAHN HALL OF ADMINISTRATION • 500 W. TEMPLE STREET, LOS ANGELES, CA 90012 • TELEPHONE (213) 974-2411 • FAX (213) 974-2534

BEFORE THE CIVIL SERVICE COMMISSION OF THE

COUNTY OF LOS ANGELES

*In the matter of the **discharge**, effective July 13, 2017, from the position of Deputy Sheriff, Sheriff's Department, of* **ANDREW DEBONDT** **(Case No. 17-178)**	)	ORDER OF THE CIVIL SERVICE COMMISSION

On November 6, 2019, the Civil Service Commission of the County of Los Angeles over-ruled the Petitioners objections. The Commission adopted as it's final decision, the findings and recommendation of the Hearing Officer, Robert Cuen, to sustain the Department. Commissioner Nightingale was absent.

Dated this 13th day of November, 2019.

STEVEN AFRIAT, President

PERCY DURAN III, Member

Absent
NAOMI NIGHTINGALE, Member

JOHN DONNER, Member

DICKRAN TEVRIZIAN, Member

COUNTY OF LOS ANGELES CIVIL SERVICE COMMISSION

In the Matter of the Discharge, effective July 13, 2017, from the position of Deputy Sheriff, Appeal of **ANDREW DE BONDT,** Appellant, v. **SHERIFF'S DEPARTMENT, COUNTY OF LOS ANGELES,** Respondent.	Case No. 17-178 PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND RECOMMENDATION

APPEARANCES

For the Appellant: Michael Goldfelder, Esq.
400 Continental Blvd., 6th Floor
El Segundo, CA 90245

For the Respondent: William Balderram, Esq.
Law Offices of William Balderram
606 Monterey Pass Road, Suite 111
Monterey Park, CA 91754

Court Reporters: Dorthy Simpson/Justyne Johnson/Joyce Silverman

Hearing Officer: Robert M. Cuen, Esq.

Hearing Dates: April 2, June 26, September 6 and November 2, 2018; January 4, 2019

ISSUES

1. Are the allegations in the Department's letter of July 13, 2017, true?

2. If any or all are true, is the discipline appropriate?

APPENDIX

Appendix 1
(Exhibit List – 1 page)

1. Respondent, Sheriff's Department Exhibits (DE): DE 1-17

2. Appellant, Andrew De Bondt's Exhibits (AE): AE A-W

Appendix 2
(Summary of Testimony and Evidence – 17 pages)

Respondent, Sheriff's Department

1.	William Jaeger:	Lieutenant, Sheriff's Department
2.	[redacted]	Police Officer, Downey Police Department
3.	[redacted]	Police Officer, Downey Police Department
4.	Bobby Denham:	Assistant Sheriff, Sheriff's Department
6.	[redacted]	Vehicle Owner, Private Citizen

Appellant, Andrew De Bondt

5.	Patrick Valdez:	Captain, Sheriff's Department
7.	Andrew De Bondt:	Appellant, Sheriff's Department
8.	David Martinez:	Lieutenant (retired), Sheriff's Department

EXECUTIVE SUMMARY

Appellant worked approximately 9 years as a deputy [redacted] The allegations set forth in the Sheriff's Department's July 13, 2017, letter are true, and discharge is the appropriate discipline.

STATEMENT OF FACTS

In 2007, Appellant Andrew De Bondt (Appellant) was hired as a deputy. [redacted] On July 13, 2017, the Sheriff's Department (Department) notified Appellant that he was discharged.

In sum, the Department alleges that while off duty Appellant engaged in numerous acts of misconduct that involved Appellant driving under the influence of alcohol (DUI) on July 22, 2016. First, Appellant got drunk at the bar, and collided with a parked car and immediately drove away. In his attempt to flee, Appellant was stopped by the police for driving at a high rate of speed with his car's headlights off. Appellant had blood alcohol readings of .16% and .17%, and was arrested for both a DUI, and hit and run. Ultimately, Appellant pleaded to a DUI misdemeanor, and was placed on 3 years probation. Second, Appellant was requesting favor from and made false and misleading statements to the arresting officers. Third, with a blood alcohol content of .17%, Appellant had immediate access to his gun in his car, and was unable to exercise reasonable control of his gun.

In response, although Appellant admits to the majority of the facts, Appellant claims he did not know he hit a parked car. Also, Appellant can't remember if he drove with his headlights turned off. Further, Appellant stated that he did not seek favor or make false statements to the arresting officers. Furthermore, he asserts that it was not illegal to have his gun unsecured in his car. Finally, Appellant argues that the Department encourages excessive drinking, and others who have had DUIs were not discharged.

Notwithstanding Appellant's responses, the evidence established that the allegations in the Department's July 13, 2017, letter are true, and discharge is an appropriate penalty.

DISCUSSION

Are the allegations in the Department's July 13, 2017, letter true?

In 2007, Appellant Andrew De Bondt (Appellant) was hired as a deputy for the Sheriff's Department (Department). In a letter dated July 13, 2017, the Department discharged Appellant. In short, the basis for the discharge was stated as follows:

1. On or about July 22, 2016, while off duty, Appellant drove his personal car while under the influence of alcohol, and he caused a traffic collision. Appellant left the scene of the accident resulting in his arrest. The above is evidence by, but not limited to:

a. Appellant backing his car into an unoccupied parked car and failing to attempt to contact the owner of the parked car or law enforcement; and/or

b. Appellant driving his car under the influence of alcohol; and/or

c. Appellant was seen by the Downey Police to be driving his car at a high rate of speed, with his headlights off, as he fled the traffic collision scene; and/or

d. Appellant displaying objective signs of intoxication, and emitting the odor of alcohol from his breath when stopped by the Downey Police; and/or

e. Appellant performing poorly on his field sobriety tests; and/or

f. Appellant breath samples recorded .16% on a Preliminary Alcohol Screening (PAS) device; and/or

g. Appellant's blood sample revealed a .17% Blood Alcohol Concentration (BAC); and/or

h. Appellant on numerous occasions while questioned by Downey Police requesting a favor by displaying his Sheriff's identification, and/or stating just to take a report, and/or stating I'm a cop just like you guys, or words to that effect; and/or

i. Appellant being arrested for Vehicle Code (VC) 23152(a); Driving a Vehicle While Under the Influence of Alcohol, and/or VC 23152(b); Driving with a Blood Alcohol Concentration of .08% or Greater, and/or CV 20002(a); Hit and Run Traffic Collision, Misdemeanor; and/or

j. Appellant pleading Nolo Contendre to 1 misdemeanor count of violating VC 23152(b); Driving with a Blood Alcohol Concentration of .08% or Greater; and/or

k. Appellant admitting to violating VC 23578; Excessive Blood Alcohol Level of .15% or Greater; and/or

l. Appellant placed on summary probation for 3 years, and/or ordered to pay fines, and/or attend alcohol related classes, and/or serve time in jail for 1 day.

2. On or about July 22, 2016, while off duty and intoxicated, Appellant made false or misleading statements to Downey Police as evidence by, but not limited to:

a. Appellant providing false statements regarding the traffic collision he was involved in; and/or

b. Appellant stating that he was not intoxicated, and/or did not drink any alcohol, or words to that effect; and/or

c. Appellant stating that he worked the evening before the incident.

3. On or about July 22, 2016, while off duty and intoxicated with a blood alcohol content of .17%, Appellant had immediate access to his firearm, and was unable to exercise reasonable care and/or control of his firearm. (DE 1-3; Testimony of Investigator Jaeger, AS Denham, Appellant)

As discussed below, the Department alleges that while off duty Appellant engaged in numerous acts of misconduct that involve Appellant driving under the influence of alcohol (DUI) on July 22, 2016. In short, the allegations are divided into 3 charges. First, on July 22, 2016, Appellant got intoxicated at the bar, and collided with a parked car and immediately drove away. In his attempt to flee the scene, Appellant was stopped by the police for driving at a high rate of speed with his car's headlights off. Appellant had blood alcohol readings of .16% and .17%, and was arrested for both a DUI, and hit and run misdemeanor. Ultimately, Appellant pleaded to a DUI misdemeanor, and was placed on 3 years probation. Second, on July 22, 2016, Appellant was requesting favor from, and made false and misleading statements to, the arresting officers (Downey police). Third, on July 22, 2016, with a blood alcohol content of .17%, Appellant had

immediate access to his gun in his car, and was unable to exercise reasonable care and/or control of his gun. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

In response, although Appellant admits to the majority of the underlying facts, Appellant claims he did not know he hit a parked car. Also, Appellant can't remember if he drove with his headlights turned off. Further, Appellant argues that he did not seek favor or make false statements to the arresting officers. Finally, he asserts that it was not illegal to have his gun unsecured in his center console. Notwithstanding Appellant's responses, the evidence established that the allegations in the Department's July 13, 2017, letter are true. (DE 1-16; Testimony of Invest. Jaeger; Off. [redacted] Off. [redacted] AS Denham, Appellant)

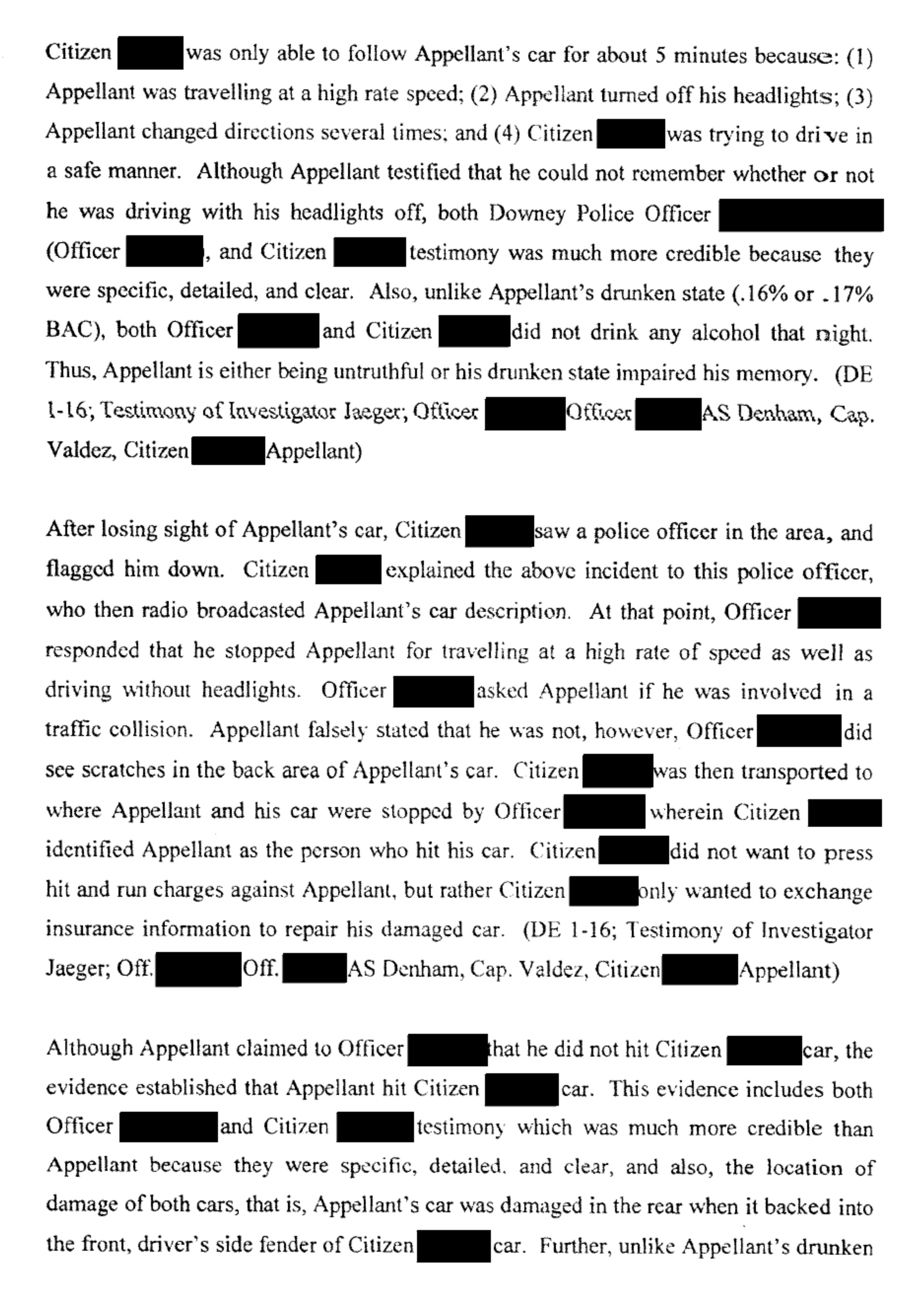
In the early morning hours of July 22, 2016, Appellant was off duty with a friend named [redacted] (Friend [redacted]), who was not a deputy, and they were drinking beer and taking tequila shots inside Joseph's Bar and Grill (bar) located in Downey. Appellant was celebrating because he found out he was going to be a father, and had asked Friend [redacted] This event was not a Department activity, nor did Appellant feel any employee peer-pressure to drink. (DE 1-10, 13; Testimony of Investig. Jaeger; Off. [redacted] Off. [redacted] AS Denham, Citizen [redacted] Appellant)

At approximately 1:50 am, Appellant and Friend [redacted] left the bar. While outside the bar, Appellant got into an oral argument with an unknown woman. Although Appellant testified that he did not engage in an argument with this woman, private citizen [redacted] (Citizen [redacted]) testimony was much more credible because it was specific, detailed, and clear. Also, as will be described below, unlike Appellant's intoxicated state (.16% or .17% BAC), Citizen [redacted] testified credibly that he did not drink any alcohol that night. In short, that night Citizen [redacted] did not go to the bar, but rather went to the Mosaik Hookah Lounge, which was directly across the street from the bar. Thus, Appellant is either being untruthful or his drunken state impaired his memory. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Appellant walked away from this woman and headed to his car. Appellant arrived at his car, and he entered the driver seat, and Friend [redacted] sat in the passenger seat. Appellant put his car in reverse and proceeded to rapidly (i.e., 10 to 15 MPH) back his car from its parking space located in front of the Mosaik Hookah Lounge. As Appellant car travelled backwards, Appellant car's rear bumper collided into the front, driver's side fender of an unoccupied and parked white Camaro car. The owner of this white Camaro car, Citizen [redacted] was leaning against his car when Appellant hit his fender. This collision cause minor damage to Citizen [redacted] car. Following this collision, Appellant immediately fled the scene without stopping or attempting to contact anyone. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Citizen [redacted] did not know Appellant, and he wanted to get the license plate numbers to Appellant's car in an attempt to get his car repaired. Thus, Citizen [redacted] and his friend [redacted] immediately got into Citizen [redacted] car and followed Appellant. Being that Appellant's car had paper license plates and no numbers, Citizen [redacted] pulled along the passenger side of Appellant's car a few blocks from the bar/collision site. Citizen [redacted] yelled to Appellant and passenger Friend [redacted] to pull over. Appellant replied by asking Citizen [redacted] if he wanted to race. Although Appellant testified that he did not make this statement about racing, Citizen [redacted] testimony was much more credible because it was specific, detailed, and clear. Also, unlike Appellant's drunken state (.16% or .17% BAC), Citizen [redacted] testified credibly that he did not drink any alcohol that night. Thus, Appellant is being untruthful or his drunken state impaired his memory. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Citizen [redacted] Appellant)

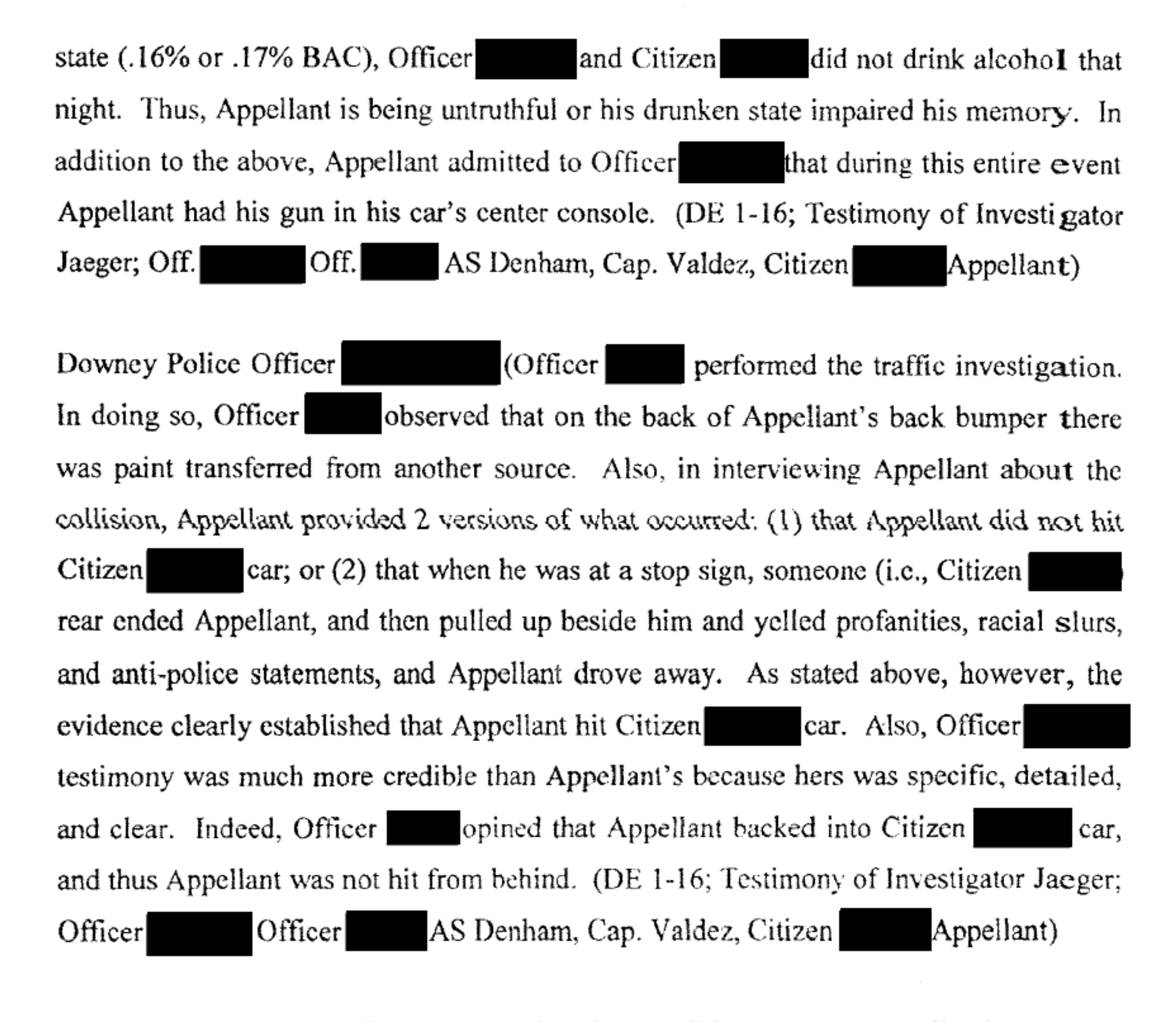
Citizen [redacted] thought Appellant and Friend [redacted] understood his request to pull over because Friend [redacted] motioned that he understood. Appellant, however, again sped away in an attempt to flee. Citizen [redacted] immediately gave his phone to his friend [redacted] and told him to call the police, while he again attempted to follow Appellant.



Citizen [redacted] was only able to follow Appellant's car for about 5 minutes because: (1) Appellant was travelling at a high rate speed; (2) Appellant turned off his headlights; (3) Appellant changed directions several times; and (4) Citizen [redacted] was trying to drive in a safe manner. Although Appellant testified that he could not remember whether or not he was driving with his headlights off, both Downey Police Officer [redacted] (Officer [redacted], and Citizen [redacted] testimony was much more credible because they were specific, detailed, and clear. Also, unlike Appellant's drunken state (.16% or .17% BAC), both Officer [redacted] and Citizen [redacted] did not drink any alcohol that night. Thus, Appellant is either being untruthful or his drunken state impaired his memory. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

After losing sight of Appellant's car, Citizen [redacted] saw a police officer in the area, and flagged him down. Citizen [redacted] explained the above incident to this police officer, who then radio broadcasted Appellant's car description. At that point, Officer [redacted] responded that he stopped Appellant for travelling at a high rate of speed as well as driving without headlights. Officer [redacted] asked Appellant if he was involved in a traffic collision. Appellant falsely stated that he was not, however, Officer [redacted] did see scratches in the back area of Appellant's car. Citizen [redacted] was then transported to where Appellant and his car were stopped by Officer [redacted] wherein Citizen [redacted] identified Appellant as the person who hit his car. Citizen [redacted] did not want to press hit and run charges against Appellant, but rather Citizen [redacted] only wanted to exchange insurance information to repair his damaged car. (DE 1-16; Testimony of Investigator Jaeger; Off. [redacted] Off. [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Although Appellant claimed to Officer [redacted] that he did not hit Citizen [redacted] car, the evidence established that Appellant hit Citizen [redacted] car. This evidence includes both Officer [redacted] and Citizen [redacted] testimony which was much more credible than Appellant because they were specific, detailed, and clear, and also, the location of damage of both cars, that is, Appellant's car was damaged in the rear when it backed into the front, driver's side fender of Citizen [redacted] car. Further, unlike Appellant's drunken



state (.16% or .17% BAC), Officer [redacted] and Citizen [redacted] did not drink alcohol that night. Thus, Appellant is being untruthful or his drunken state impaired his memory. In addition to the above, Appellant admitted to Officer [redacted] that during this entire event Appellant had his gun in his car's center console. (DE 1-16; Testimony of Investigator Jaeger; Off. [redacted] Off. [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Downey Police Officer [redacted] (Officer [redacted] performed the traffic investigation. In doing so, Officer [redacted] observed that on the back of Appellant's back bumper there was paint transferred from another source. Also, in interviewing Appellant about the collision, Appellant provided 2 versions of what occurred: (1) that Appellant did not hit Citizen [redacted] car; or (2) that when he was at a stop sign, someone (i.e., Citizen [redacted] rear ended Appellant, and then pulled up beside him and yelled profanities, racial slurs, and anti-police statements, and Appellant drove away. As stated above, however, the evidence clearly established that Appellant hit Citizen [redacted] car. Also, Officer [redacted] testimony was much more credible than Appellant's because hers was specific, detailed, and clear. Indeed, Officer [redacted] opined that Appellant backed into Citizen [redacted] car, and thus Appellant was not hit from behind. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Also, the evidence, including reports and testimony, did not support Appellant's assertion that the car that pulled along Appellant's car was yelling profanities, racial slurs, or anti-police statements. For example, Citizen [redacted] testified credibly that he and his passenger did not yell profanities at Appellant's car. During the incident, Appellant gave different versions of what may have occurred, and at this hearing he unconvincingly and vaguely stated that he heard profanities. Further, unlike Appellant's drunken state (.16% or .17% BAC), Citizen Torres did not drink any alcohol that night. Thus, Appellant is being untruthful or his drunken state impaired his memory. (DE 1-16; Testimony of Inv. Jaeger; Off. [redacted] Off. [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Also, during Appellant's interviews with the arresting officers and supervisors, as well as this hearing, Appellant unconvincingly stated that he didn't know or can't remember if he

was involved in the collision on July 22, 2016. Appellant's statement is not credible for a number of factual reasons. First, when Citizen [redacted] car pulled along side Appellant's car to exchange insurance information, Appellant response was to flee, but not in a normal manner, but one that put Appellant's, Friend [redacted] and others' life and limb in extreme jeopardy. Specifically, in the middle of the night, (1) Appellant was travelling at a high rate speed; (2) Appellant turned off his car's headlights; and (3) Appellant changed his directions several times. As indicated above, Citizen [redacted] and his passenger at no time were yelling profanities, racial slurs, or anti-police statements. Thus, Appellant was not in any danger to self or property. More likely than not, Appellant was attempting to flee from the collision. (DE 1-16; Testimony of Investigator Jaeger; Off. [redacted] Off. [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Second, as described herein, Appellant provided false statements on July 22, 2016 to the 2 Downey police officers, and provided non-credible testimony at this hearing when he: (1) testified that he could not recall arguing with a woman before the collision; (2) testified that he could not remember driving without his car's headlights on; and (3) testified that he never said do you want to race. Based on these false statements to the officers, and his non-credible testimony, Appellant's claim that he didn't know or can't remember if he was involved in the collision is not credible. (DE 1-16; Testimony of Invest. Jaeger; Off. [redacted] Off. [redacted] AS Denham, Cap. Valdez, Cit [redacted] Appellant)

In addition to the above, Officer [redacted] had suspicion that Appellant was under the influence of alcohol because of his breath, red eyes, and slurred speech. To that end, Officer [redacted] commenced a DUI investigation. First, Officer [redacted] asked Appellant if he had consumed alcohol? In response, Appellant provided a false statement and stated that he had not consumed any alcohol. Second, beyond Officer [redacted] observation that gave her suspicion that he consumed alcohol, Officer [redacted] conducted 3 field sobriety tests on Appellant, that is, the feet together test, the one leg stand test, and the walk and turn test. Appellant did not perform well on any of these tests. Third, Appellant performed 2 alcohol-screening tests with the following results: (1) the breathalyzer recorded a .16%; and (2) the blood alcohol sample revealed a .17%. Both intoxication readings are double

the . 08% legal limit. Clearly, Appellant drove his car under the influence of alcohol. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] AS Denham, Appellant)

With both Officer [redacted] and Officer [redacted] Appellant on numerous occasions sought to improperly use his position to seek favor from the arresting officers when he: (1) displayed his Sheriff's Department Identification; (2) stated that they just take a traffic report or words to that effect; (3) stated that he was a cop just like them, or words to that effect; (4) stated that he was not a criminal or words to that effect; and (5) begged (e.g., please, please) Officer [redacted] to understand that if he gets a DUI that he will be fucked or words to that effect. The above favor seeking statements by Appellant were captured on Officer [redacted] body worn camera. Also, Appellant falsely stated to Officer [redacted] that he had worked the evening before the incident, when in fact there was no evidence provided that he worked that night. Finally, as with Officer [redacted] Appellant admitted to Officer [redacted] that his gun was in his car within the center console. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Appellant)

Based upon the above, Appellant admitted and the evidence established that he was arrested for: (1) violating Vehicle Code (VC) 23152(a), Driving a Vehicle While Under the Influence of Alcohol; (2) violating VC 23152(b), Driving with a Blood Alcohol Concentration of .08% or Greater; and (3) violating VC 20002(a), Hit and Run Traffic Collision, Misdemeanor. As a result of being arrested, on or about November 30, 2016, Appellant pleaded Nolo Contendre to 1 misdemeanor count of violating VC 23152(b), Driving with a Blood Alcohol Concentration of .08% or Greater. Also, Appellant admitted, and the 2 blood alcohol screening tests (.16% and .17%) confirmed, that Appellant violated VC 23578, Excessive Blood Alcohol Level of .15% or Greater. Further, as a result of the above, Appellant admitted, and the evidence established that: (1) he was placed on summary probation for 3 years; and (2) he was ordered to pay fines, attend alcohol related classes, and serve time in jail for 1 day. (AE R; DE 1-4, 8, 10, 11, 13-16; Testimony of Invest. Jaeger; Officer [redacted] AS Denham, Cap. Valdez, Appellant)

As stated above, during the DUI incident on July 22, 2016, Appellant was intoxicated with a blood alcohol content of .16% or .17%. The evidence also established that during this incident Appellant had immediate access to his handgun because it was located in his car's center console. Specifically, Appellant's handgun was not locked in a box, and it was readily accessible to Appellant in the car's center console. Thus, Appellant was not only dangerously driving at double the .08% legal limit, but also, due to his extreme drunken state, Appellant was unable to exercise reasonable care and/or control of his handgun. Indeed, as reasonably and credibly testified to by Assistant Sheriff Bobby Denham (AS Denham), due to Appellant's alcohol level, and the handgun being readily accessible, he was not capable of making sound decisions with his handgun. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Appellant)

In response, Appellant argued that it was not illegal to have his handgun readily accessible in his car's center console. Appellant's argument fails to address the elephant in the room, that is, due to his severe impaired intoxicated state, it would clearly impair his ability to made good decisions or exercise reasonable care and control of his handgun. In short, Appellant's gun should have been left at home, or locked in the inside of his car or trunk. Officer [redacted] recovered the gun from the car's center console after the arrest. (DE 1-16; Testimony of Invest. Jaeger; Off. [redacted] Off. [redacted] AS Denham, Appellant)

Based on the above, the evidence established that the allegations in the Department's July 13, 2017, letter are true.

If any or all of the allegations are true, is the discipline appropriate?

As stated above, the allegations in the Department's July 13, 2017, letter are true. Also, Assistant Sheriff Bobby Denham (AS Denham) credibly testified regarding his reasonable rationale to discharge Appellant from his deputy position. Thus, Appellant's discharge is appropriate and it is a reasonable disciplinary response to the misconduct.

First, the evidence established that the allegations in the Department's July 13, 2017, letter are true. Second, the following Department's Manual of Policy and Procedures

prohibit Appellant's misconduct as described above: (1) 3-01/030.05, General Behavior; (2) 3-01/030.75, Bribes, Rewards, Loans, Gifts, Favors; (3) 3-01/030.10, Obedience to Laws, Regulations and Orders, (pertaining to VC 23152(a), Driving a Vehicle While Under the Influence of Alcohol; and/or VC 23152(b), Driving with a Blood Alcohol Concentration of .08% or Greater; and/or VC 20002(a), Hit and Run Traffic Collision, Misdemeanor); (4) 3-01/040.70, Dishonesty/False Statements; (5) 3-01/025.45, Safety of Firearms. Third, discipline guidelines lists the following misconduct with the associated penalties: (1) 3-01/030.05, General Behavior: Written Reprimand (WR) to Discharge; (2) 3-01/030.75, Bribes, Rewards, Loans, Gifts, Favors: 1 day to Discharge; (3) 3-01/030.10, Obedience to Laws: WR to Discharge; (4) 3-01/040.70, False Statements: 10 days to Discharge; (5) 3-01/025.45, Safety of Firearms: 15 days to Discharge. Thus, policy permits discharge of an employee who engages in the misconduct established herein. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Fourth, the evidence established the harmful or negative effect of Appellant's misconduct to public service and the orderly or efficient operation of the Department. Simply put, a law enforcement officer must protect and service the public. Appellant failed to protect and serve when on July 22, 2016, he engaged in the following misconduct while off duty: (1) Appellant knowingly drove his car under the influence of alcohol; (2) Appellant collided with a parked car; (3) Appellant immediately drove away without stopping in attempt to flee the scene; (4) Appellant drove at a high rate of speed in the middle of the night in attempt to flee the scene; (5) Appellant drove and changed directions several times in the middle of the night to flee the scene; (6) Appellant drove with his headlights off in the middle of night to flee the scene; and (7) Appellant engaged in the above dangerous driving maneuvers with a blood alcohol content of .16% or .17%, that is, double the .08% legal limit. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Citizen [redacted] Appellant)

Clearly, any one of the above acts, and especially all the acts together, posed a fatal or significant risk of injury to the public, Appellant's passenger (Friend [redacted]), and

Appellant. Appellant not only engaged in this misconduct, but also, he violated law. This misconduct established that he failed protect and serve the public. (DE 1-16; Testimony of In Jaeger; Off. [redacted] Off. [redacted] AS Denham, Citizen [redacted] Appellant)

Also, as established herein, on July 22, 2016, Appellant was intoxicated with a blood alcohol content of .16% or .17%, and he had immediate access to his handgun. Specifically, his handgun was not locked in a box, and it was accessible to Appellant in the car's center console. Thus, due to Appellant's alcohol level, and the gun being readily accessible, Appellant was unable to exercise reasonable care and/or control of his gun. In short, due to his severe impaired intoxicated state, it impairs his ability to make good decisions, and could have resulted in fatal or significant risk to the public in the area. These failures created a harmful and a negative effect upon his ability to protect and serve the public. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Appellant)

This harmful or negative effect is especially relevant in this case because Appellant not only failed to protect the public as to the potentially fatal or significant risk resulting from his misconduct, but also, as a law enforcement officer, whose job is to protect the public, Appellant was the actual perpetrator. This terrible scenario flies in the face of protecting and serving the public. Clearly, this action established a harmful effect on the public and negatively effects the operation of the Department. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Appellant)

Also, as described in more detail below, Appellant's responses to the above-established allegations are not valid excuses to negate the harmful effect of his misconduct. For example, Appellant fails to take responsibility for his own actions, that is, he blames others for his excessive drinking, and he also continues to rely on false statements in responding to these established allegations, thus demonstrating that he has lost the public trust. Hence, Appellant's misconduct harmed the public and the Department. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Appellant, Retired Lt. Martinez)

Further, Appellant's misconduct negatively impacted the work environment because the misconduct was so serious (i.e., extremely intoxicated, dangerous driving, and readily accessible gun), and the possible future consequences are so horrific (i.e., fatal or significant risk of injury), that the Department should not and cannot trust Appellant to act appropriately, especially if he continues to drink, as he admitted to during the hearing. Also, Appellant's misconduct and arrest, and his attempt to use his position to seek favor from the arresting officers, clearly violate policy and are an embarrassment to the Department and a discredit to himself and the Department. Based on the above, and Appellant's false responses to the established allegations, the Department must now question Appellant's trust and integrity. Thus, as a result of Appellant's misconduct he can no longer be trusted to carry out the duties of a deputy. (DE 1-16; Testimony of Investigator Jaeger; Off. [redacted] Off. [redacted] AS Denham, Citizen [redacted] Appellant)

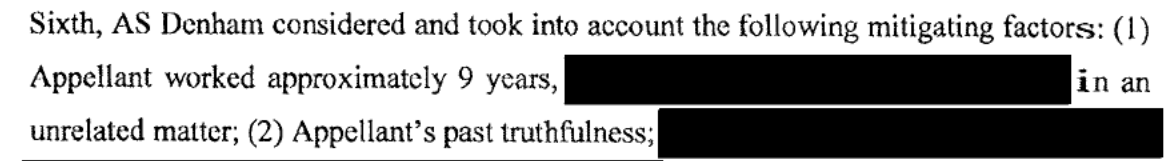
Fifth, despite credible evidence, Appellant did not fully admit to the allegations in question. Thus, Appellant has not taken responsibility for his misconduct and there is a likelihood of recurrence. In an attempt to excuse his misconduct, Appellant makes an unsupported and misguided argument that the Department is responsible for his drinking because there is a culture of drinking in the Department. For example, Appellant cited a few activities where officers' drink (e.g., Baker to Vegas Run, graduation and transfer parties), but these celebratory activities do not support the theory that there is a drinking culture. Indeed, except for Appellant's spotty and vague testimony, the evidence established that not all employees drink, and even if there is alcohol at an event, some employees do not drink. In short, the Department does not encourage or force employees to drink. Also, the argument is misguided because the Department is not responsible for Appellant's other inappropriate acts such as, driving highly intoxicated at night at a high rate of speed with his headlights off, fleeing the scene of a collision, seeking improper favors, and making false statements. (AE A; DE 1-16; Testimony of Investigator Jaeger; AS Denham, Cap. Valdez, Appellant, Retired Lt. Martinez)

In a further attempt to excuse his misconduct, Appellant makes an "apples to oranges" argument that he should not be discharged because other officers were not discharged

after an off duty DUI. As credibly testified to by AS Denham, and as established by the evidence, Appellant was discharged not for a simple DUI, but also, for the following: (1) Appellant driving his car under the influence of alcohol; (2) Appellant colliding with a parked car; (3) Appellant driving away without stopping in attempt to flee the scene; (4) Appellant driving at a high rate of speed; (5) Appellant changing directions several times; (6) Appellant driving with his headlights off; and (7) Appellant blood alcohol content of .16% or .17%; (8) Appellant seeking improper favor from the arresting officers; (9) Appellant making false statements to arresting officers and supervisors; and (10) Appellant's inability to exercise reasonable care/or control of his gun. (AE R; DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant, Retired Lt. Martinez)

Unquestionably, Appellant's misconduct is completely against the Department's core values. Also, Appellant's trust and integrity is suspect because he failed to provide truthful statements during the criminal investigation, Department investigation, and in this hearing. Thus, Appellant has not taken full responsibility for his misconduct and there is a likelihood of recurrence. Also, the likelihood of recurrence is high because: (1) in 2014, Appellant admitted he had an alcohol drinking problem; (2) in 2016, Appellant engaged in the alcohol related allegations herein established; and (3) in 2018, Appellant admitted that he still drinks alcohol. For example, in 2014 Appellant admitted that his drinking increased because he felt that he was unfairly suspended for 3 days. Unfortunately, this type of feeling may occur in the future, and his misconduct may likely repeat risking fatal or significant risk to the public. (AE A-C; DE 1-16; Testimony of Investig. Jaeger; Off. [redacted] Off. [redacted] AS Denham, Appellant)

Also, the evidence established that Appellant's misconduct is very serious, and failing to discharge Appellant puts the public in danger especially since there is a high likelihood of recurrence. Thus, Appellant is a significant liability risk for the County. (AE A-C; DE 1-16; Testimony of Investigator Jaeger; Off. [redacted] Off. [redacted] AS Denham, Appellant)



Sixth, AS Denham considered and took into account the following mitigating factors: (1) Appellant worked approximately 9 years, [redacted] in an unrelated matter; (2) Appellant's past truthfulness; [redacted] (4) Appellant's acceptance of some responsibility; and (5) Appellant attended mandated alcohol abuse classes, and voluntarily attended other alcohol related programs. Also, although not considered by AS Denham, Appellant's plea was recently set aside and vacated on October 29, 2018, pursuant to Penal Code 1203.4 request. As stated below, based on Appellant's above misconduct and AS Denham's testimony, however, Appellant's actual guilty conviction played no part in AS Denham's decision to discharge. Also, Appellant's pleading Nolo Contendre occurred when the charges were levied against Appellant (i.e., July 13, 2017), and the set aside of the conviction occurred after on October 29, 2018. (AE C-Q, W; Testimony of Invest. Jaeger; AS Denham, Cap. Valdez, Appellant, Retired Lt. Martinez)

Although Appellant did have the above mitigating factors, AS Denham testified credibly and correctly that he based his decision on the seriousness of the misconduct, and the outcome it caused by posing a fatal or significant risk of injury to the public, Appellant's passenger, and Appellant. Also, Appellant not only engaged in this misconduct, but also, violated law. This discharge is appropriate because the Department and the public cannot in any way, shape, or form tolerate this type of misconduct. Progressive discipline is not required and would be inappropriate because the misconduct was so egregious, and the consequences could have had dire results to the public. Thus, Appellant's discharge is a reasonable disciplinary action. (DE 1-16; Testimony of Investigator Jaeger; Officer [redacted] Officer [redacted] AS Denham, Cap. Valdez, Citizen [redacted] Appellant)

Based upon the above, the Hearing Officer agrees with AS Denham, and the Disciplinary Case Review Panel, that Appellant's discharge is appropriate, not excessive, and within Departmental policies. Also, the Hearing Officer concludes that the Department followed reasonable policies when it discharged Appellant. (DE 3; Testimony of AS Denham)

FINDINGS OF FACT

1. In 2007, Appellant Andrew De Bondt (Appellant) was hired as a deputy for the Sheriff's Department (Department).

[redacted]

3. In a letter dated July 13, 2017, the Department discharged Appellant.

4. On or about July 22, 2016, while off duty, Appellant drove his personal car while under the influence of alcohol, and he caused a traffic collision. Appellant left the scene of the accident resulting in his arrest. The above is evidence by:

a. Appellant backing his car into an unoccupied parked car and failing to attempt to contact the owner of the parked car or law enforcement; and/or

b. Appellant driving his car under the influence of alcohol; and/or

c. Appellant was seen by the Downey Police to be driving his car at a high rate of speed, with his headlights off, as he fled the traffic collision scene; and/or

d. Appellant displaying objective signs of intoxication, and emitting the odor of alcohol from his breath when stopped by the Downey Police; and/or

e. Appellant performing poorly on his field sobriety tests; and/or

f. Appellant breath samples recorded .16% on a Preliminary Alcohol Screening (PAS) device; and/or

g. Appellant's blood sample revealed a .17% Blood Alcohol Concentration (BAC); and/or

h. Appellant on numerous occasions while questioned by Downey Police requesting a favor by displaying his Sheriff's identification, and/or stating just to take a report, and/or stating I'm a cop just like you guys, or words to that effect; and/or

i. Appellant being arrested for Vehicle Code (VC) 23152(a); Driving a Vehicle While Under the Influence of Alcohol, and/or VC 23152(b); Driving with a Blood Alcohol Concentration of .08% or Greater, and/or CV 20002(a); Hit and Run Traffic Collision, Misdemeanor; and/or

j. Appellant pleading Nolo Contendre to 1 misdemeanor count of violating VC 23152(b); Driving with a Blood Alcohol Concentration of .08% or Greater; and/or

k. Appellant admitting to violating VC 23578; Excessive Blood Alcohol Level of .15% or Greater; and/or

l. Appellant placed on summary probation for 3 years, and/or ordered to pay fines, and/or attend alcohol related classes, and/or serve time in jail for 1 day.

5. On or about July 22, 2016, while off duty and intoxicated, Appellant made false or misleading statements to Downey Police as evidence by:

a. Appellant providing false statements regarding the traffic collision he was involved in; and/or

b. Appellant stating that he was not intoxicated, and/or did not drink any alcohol, or words to that effect; and/or

c. Appellant stating that he worked the evening before the incident.

6. On or about July 22, 2016, while off duty and intoxicated with a blood alcohol content of .17%, Appellant had immediate access to his firearm, and was unable to exercise reasonable care and/or control of his firearm.

CONCLUSIONS OF LAW

1. The allegations in the Department's July 13, 2017, letter are true by the preponderance of the evidence.

2. The discharge is an appropriate and reasonable disciplinary response to Appellant's misconduct. The discharge is reasonably related to the seriousness of the misconduct.

RECOMMENDATION

The recommendation is that Appellant's discharge (effective July 13, 2017) is sustained.

Dated: 6/6/19

Robert M. Cuen, Esq.
Hearing Officer



OFFICE OF THE SHERIFF



COUNTY OF LOS ANGELES

HALL OF JUSTICE

JIM MCDONNELL, SHERIFF

July 13, 2017

Date of Department Hire 05/21/2007

Deputy Andrew De Bondt, #[redacted]
[redacted]

Dear Deputy De Bondt:

On May 25, 2017, you were served with a Letter of Intention indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under File Number IAB IV2408937. You were also advised of your right to review the material on which the discipline was based.

You did exercise your right to respond. However, after review and consideration of the response submitted to support your position, it has been determined that the recommended discipline is appropriate.

You are hereby notified that you are discharged from your position of Deputy Sheriff, Item No. 2708A, with this Department, effective as of the close of business on July 13, 2017.

An investigation under File Number IAB IV2408927, conducted by Pico Rivera Station, coupled with your own statements, has established the following:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/030.05, General Behavior, and/or 3-01/030.75, Bribes, Rewards, Loans, Gifts, Favors; and/or 3-01/030.10, Obedience to Laws, Regulations and Orders, (pertaining to 23152(a) CVC; Driving a Vehicle While Under the Influence of Alcohol; and/or 23152(b) CVC; Driving with a Blood Alcohol Concentration of .08% or Greater, and/or 20002(a) CVC; Hit and Run Traffic Collision, Misdemeanor), on or about July 22, 2016, while off-duty, you violated

state law when you drove your personal vehicle while under the influence of alcohol causing a traffic collision. Furthermore, you left the scene of the traffic collision resulting in your arrest. You brought discredit and/or embarrassment to yourself and the Los Angeles County Sheriff's Department as evidenced by, but not limited to:

a. backing your personal vehicle into an unoccupied parked vehicle and/or failing to attempt to contact the registered owner, and/or local law enforcement after being made aware of the collision; and/or,

b. driving your personal vehicle under the influence of alcohol; and/or,

c. observed by the Downey Police Department to have been operating your vehicle at a high rate of speed, without use of your vehicle's headlights as you fled the scene of the traffic collision; and/or,

d. displaying the objective signs of intoxication, and/or emitting the odor of an alcoholic beverage from your breath when you were contacted by the Downey Police Department personnel; and/or,

e. performing poorly on field sobriety tests; and/or,

f. providing breath samples that registered and/or recorded .16 percent on a Preliminary Alcohol Screening device (PAS); and/or,

g. providing a blood sample which revealed a .17 percent blood alcohol concentration (BAC); and/or,

h. on numerous occasions requesting a favor by displaying your Sheriff's Department identification, and/or stating just take a traffic report, and/or words to that effect, and/or stating I'm a cop just like you guys, and/or words to that effect; and/or,

i. being arrested for violation of California Vehicle Code section 23152(a); Driving a Vehicle While Under the Influence of Alcohol, and/or 23152(b) CVC; Driving with a Blood Alcohol Concentration of

.08% or Greater, and/or 20002(a) CVC; Hit and Run Traffic Collision, Misdemeanor; and/or,

j. pleading Nolo Contendre to one (1) misdeanor count of having violated Californina Vehicle Code section 23152(b); Driving with a Blood Alcohol Concentration of .08% or Greater; and/or,

k. admitted to having violated California Vehicle Code section 23578; Excessive Blood Alcohol Level of .15% or Greater; and/or,

l. being placed on summary probation for three (3) years, and/or ordered to pay fines, and/or attend alcohol related classes, and/or, serve time in the county jail for one (1) day.

2. That in violation of the Manual of Policy and Procedures Section 3-01/040.70, Dishonesty/False Statements, on or about July 22, 2016, while off-duty and intoxicated you made false and/or misleading statements to Downey Police officers as evidenced by but not limited to:

a. Providing false statements regarding the traffic collision you were involved in; and/or,

b. Stating that you were not intoxicated and/or did not drink any alcohol, and/or words to that effect; and/or,

c. Stating to have worked the evening before the incident.

3. That in violation of the Manual of Policy and Procedures Section 3-01/025.45; Safety of Firearms, on or about July 22, 2016, while off-duty and intoxicated with a blood alcohol content of .17 percent, you had access and immediate possession of your off-duty firearm. During this incident you were driving while under the influence of alcohol and were unable to exercise reasonable care and/or control of your firearm.

Additional facts for this decision are set forth in the Disposition Worksheet, Investigative Summary and Investigative Packet which are incorporated herein by reference.

In taking this disciplinary action, your record with this Department has been considered, and a thorough review of this incident has been made by Department executives, including your Unit and Division Commanders.

You may appeal the Department's action in this matter pursuant to Rules 4.02, 4.05 and 18.02 of the Civil Service Rules.

You may, if you so desire, within fifteen (15) business days from the date of service of this notice of discharge, request a hearing on these charges before the Los Angeles County Civil Service Commission, 500 W. Temple Street, Room 522, Los Angeles, California 90012.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

JIM McDONNELL, SHERIFF

BUDDY GOLDMAN, CHIEF
SOUTH PATROL DIVISION

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures and Civil Service Rules.

BG:KM:JSW:pc

cc: Advocacy Unit
Buddy Goldman, Chief, South Patrol Division
Patrick J. Valdez, Captain, Pico Rivera Station
Internal Affairs Bureau
Kimberly L. Unland, Captain, Personnel Administration Bureau